

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RUSSELL TRUNZO,

Petitioner,

No. C 05-00734 JSW

v.

JILL BROWN, Warden of San Quentin State
Prison, and THE BOARD OF PRISON
TERMS, and ARNOLD SCHWAZENEGGER,
Governor, real parties in interest,

ORDER TO SHOW CAUSE

Respondents.

Movant, Russell Trunzo, a state prisoner, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254.

BACKGROUND

Petitioner was convicted by a jury of one count of murder in the second degree (Cal. Penal Code (§187) and was sentenced to 15 years to life in state prison.

LEGAL CLAIMS

Petitioner does not challenge the validity of his underlying conviction or the resulting sentence. Rather, Petitioner seeks federal habeas corpus relief by raising the following claims: (1) the California Board of Prison Terms (“the Board”) has violated the Due Process Clause of the 14th Amendment to the United States Constitution by its repeated denials of parole to Petitioner; (2) the Board has violated the Equal Protection Clause of the 14th Amendment to the United States Constitution by its repeated denials of parole to Petitioner; and (3) the Board’s repeated denials of his parole constitutes cruel and unusual punishment in violation of the Eight

1 Amendment. Liberally construed, the claims appear potentially colorable under 28 U.S.C. §
2 2254 and merit an answer from Respondents.

3 **CONCLUSION**

4 For the foregoing reasons and for good cause shown:

- 5 1. Petitioner shall serve by certified mail a copy of this Order and the petition and
6 all attachments thereto upon Respondents.
- 7 2. Respondents shall file with the Court and serve on Petitioner, within 60 days of
8 the date of this Order, an answer conforming in all respects to Rule 5 of the
9 Rules Governing Section 2254 Cases, showing cause why a writ of habeas
10 corpus should not be issued. Respondent shall file with the answer and serve on
11 Petitioner a copy of all portions of the administrative record that are relevant to a
12 determination of the issues presented by the petition.
- 13 3. If Petitioner wishes to respond to the answer, he shall do so by filing a traverse
14 with the Court and serving it on Respondents within 30 days of his receipt of the
15 answer.

16 **IT IS SO ORDERED.**

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18 Dated: July 15, 2005

19 /s/ Jeffrey S. White
20 JEFFREY S. WHITE
21 UNITED STATES DISTRICT JUDGE
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